



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,152	05/08/2002	Marian Trinkel	2345/171	8320
26646	7590	05/03/2007		
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			EXAMINER AHMED, SALMAN	
			ART UNIT	PAPER NUMBER
			2616	
			MAIL DATE	DELIVERY MODE
			05/03/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

sk

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 10/018,152	<b>Applicant(s)</b> TRINKEL ET AL.	
	<b>Examiner</b> Salman Ahmed	<b>Art Unit</b> 2616	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 April 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.  
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☒ The Notice of Appeal was filed on 4/19/2007. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

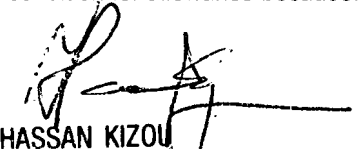
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: \_\_\_\_\_.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
 13. ☐ Other: \_\_\_\_\_.

  
 HASSAN KIZOU  
 SUPERVISOR, PATENT EXAMINER  
 TECHNOLOGY CENTER/2600

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments see pages 4-7 of the Remarks section, filed 4/19/2007, with respect to the rejections of the claims have been fully considered and are not persuasive. Regarding claims 7-12, Applicant argues that (page 4 paragraph 4) the Cave reference does not identically describe the access provided via desktop control and status-display functions and call-related data in a dynamic interface of a web browser (Figure 2, column 6 lines 15-18, illustrated in FIG. 2, multimedia grade personal computers MMPC.sub.1 through MMPC.sub.n are running browser software 201), and any functional scope of the functions and data being provided at least one web document stored on the web server, as in claim 7. However, Examiner respectfully disagrees with the assertion. Cave does indeed teach the cited limitations. Specifically, Cave teaches the access provided via desktop control and status-display functions and call-related data (column 7 lines 10-20, allowing the live agent to interact with customer/caller information while talking to the caller) in a dynamic interface of a web browser, and any functional scope of the functions and data being provided at least one web document stored on the web server (column 7 lines 10-20, In sending customer/caller information to a live agent, web database controller/dynamic html server 120 automatically generates html documents containing the information using Web-enabled database tools. Server 120 then sends the documents to the destination live agent LA.sub.1 -LA.sub.n over ethernet 220. Browser software 201 resident on personal computer MMPC.sub.1 -MMPC.sub.n of the destination live agent then converts the received html documents into graphical presentations, allowing the live agent to interact with customer/caller information while talking to the caller). Dependent claims 8-12 are not allowable for the same reasons cited above.

Regarding claims 7-12, Applicant argues (page 5 paragraph 1) that the Tsuboi reference does not identically describe the circuit arrangement including an intelligent telecommunications system having a connection to a public telephone network and linked via an integration element, wherein the local area network is connected to a web server and any access via a system-bound telephone and an internet telephone is provided with desktop control and status-display functions and call-related data in a dynamic interface of a web browser, any functional scope of the functions and data being provided at least one web document stored on the web server, as in claim 7. However, Examiner respectfully disagrees with the assertion. Tsuboi does indeed teach the cited limitations. Specifically, Tsuboi teaches a circuit arrangement (Fig. 1) to provide a desktop functionality (Figure 3 and Figure 4) for a telecommunications terminal used in computer-aided telecommunications comprising: an intelligent telecommunications system having a connection to a public telephone network (Fig. 1 ref. sign PBX or public network) and being linked via an integration element (Figure 2, CTSTAGE), wherein the local area network is connected to a web server (Figure 2, Internet Information Server and respective portions of the spec.) and wherein any access via at least one of a system-bound telephone and internet telephone is provided with desktop control and status-display functions and call-related data in a dynamic interface of a web browser (Figure 3 and Figure 4, and section CTSTAGE ASSISTANT: CTSTAGE Assistant implements unified messaging by interlocking with the messaging function of Exchange Server to integrate electronic mail, voice mail and FAX mail Figure 3. Accessing CTSTAGE Server from the web browser to listen to voice mail or to set personal information is also possible Figure 4. To listen to voice mail and to instruct a command by voice, speech processing is necessary. The text to speech engine of CTSTAGE is the Japanese text to speech engine SMARTTALK\*4, developed by Oki. SMARTTALK can output highly articulate speech using an original waveform superimposing method. A speech recognition engine is also built-in to recognize the speech of an unspecified speaker), any functional scope of the desktop control and status-display functions and the call-related data being provided and an application interface (Figure 3 and Figure 4, and section CTSTAGE ASSISTANT: CTSTAGE Assistant implements unified messaging by interlocking with the messaging function of Exchange Server to integrate electronic mail, voice mail and FAX mail Figure 3. Accessing CTSTAGE Server from the web browser to listen to voice mail or to set personal information is also possible Figure 4. To listen to voice mail and to instruct a command by voice, speech processing is necessary. The text to speech engine of CTSTAGE is the Japanese text to speech engine SMARTTALK\*4, developed by Oki. SMARTTALK can output highly articulate speech using an original waveform superimposing method. A speech recognition engine is also built-in to recognize the speech of an unspecified speaker) being defined by at least one web document (Figure 5, CTSTAGE builder and respective portions of the spec.) stored on the web server (Figure 2 ref. sign server and respective portions of the spec. and further IIS server and Exchange server. IIS server serves the html-based documents to the desktops).

Regarding claim 13, Applicant argues (page 5 last paragraph and page 6 first paragraph) that the Evans reference does not cure the deficiencies of the Cave reference. However, Examiner respectfully disagrees with the assertion as Examiner showed above that Cave reference does not have any deficiencies. Applicant further argues that there is no express motivation to one of ordinary skill in the art to combine the handset of the Evans reference with the call center system of the Cave reference. Any usefulness or improvement beyond the existing art is instead a novel enhancement provided by the present application. However Examiner respectfully disagrees with the assertion. The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art at the time the invention was made. See *In re Keller* 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Regarding claim 13, Applicant argues (page 6 second paragraph) that the Evans reference does not cure the deficiencies of the Tsuboi reference. However, Examiner respectfully disagrees with the assertion as Examiner showed above that Tsuboi reference does not have any deficiencies. Applicant further argues that there is no express motivation to one of ordinary skill in the art to combine the handset of the Evans reference with the office system involving setting access to messages and personal information from a mail client and a web browser of the Tsuboi reference. Any usefulness or improvement beyond the existing art is believed instead to be a novel enhancement provided by the present application. However Examiner respectfully disagrees with the assertion. As mentioned above the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art at the time the invention was made. See *In re Keller* 642 F.2d 413, 208 USPQ 871 (CCPA 1981)..